

**2023 -- S 0663 SUBSTITUTE A**

LC001760/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES**

Introduced By: Senators Acosta, Kallman, Mack, Euer, Murray, and LaMountain

Date Introduced: March 07, 2023

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-14-2.1, 28-14-12, 28-14-20, and 28-14-23 of the General Laws  
2 in Chapter 28-14 entitled "Payment of Wages" are hereby amended to read as follows:

3 **28-14-2.1. Statement of earnings.**

4 (a) On every regular payday, every employer shall furnish to any employee the following:

5 (1) A statement of the hours worked by that employee during the applicable pay period;  
6 provided, that the statement need not be furnished to an employee described in § 28-12-4.3;

7 (2) A record of gross wages earned, with an explanation of applicable hourly rates, all  
8 deductions made from that employee's gross earnings during the pay period together with an  
9 explanation of the basis or reason for the deductions and net earnings; ~~and~~

10 (3) For employers engaged only in the commercial construction industry, a record of the  
11 employee's hourly regular rate of pay. As used in this subsection, "commercial construction  
12 industry" includes a business that engages in the doing of work or the furnishing of materials, or  
13 both, in the building, erection, alteration, or preparation of an improvement on commercial real  
14 property;

15 (4) For employees paid on a piece-rate basis, the number of piece-rate units earned and the  
16 applicable piece rate; and

17 (5) The statement shall include the name and address of the employer, the employee's full  
18 name, and the last four digits of the employee's social security number or employee identification  
19 number

1 (b) All statements and records required to be furnished to an employee by this section may  
2 be furnished as an electronic record. The employer shall furnish to an employee a printed or  
3 handwritten record, in lieu of an electronic record, at no cost to the employee, when a written  
4 authorization from such employee is provided to the employer.

5 **28-14-12. Employment records.**

6 (a) Every employer shall keep a true and accurate record of each employee's names,  
7 address, title, hours worked and wages paid each pay period to each employee per pay period  
8 including rate of pay and overtime wages and statements provided in accordance with § 28-14-2.1  
9 in any form that may be prescribed by the director. ~~The employer shall keep the records on file for~~  
10 ~~at least three (3) years after the entry of the record.~~

11 (b) Every employer shall provide each employee upon commencement of employment, a  
12 written notice of employment terms, in English or in the language identified by each employee as  
13 their primary language, which contains the following information:

14 (1) The rate or rates of pay and basis thereof, including whether the employee is to be paid  
15 by the hour, shift, day, week, salary, piece, commission, or other method, and the specific  
16 application of any additional rates;

17 (2) Allowances, if any, claimed, pursuant to permitted meals and lodging;

18 (3) Employer's policy on sick, vacation, personal leave, holidays and hours;

19 (4) The employee's employment status and whether the employee is exempt from minimum  
20 wage and/or overtime;

21 (5) A list of deductions that may be made from the employee's pay;

22 (6) The number of days in a regular pay period, the regularly scheduled payday, and the  
23 payday on which the employee will receive the first payment of wages earned;

24 (7) The legal name of the employer and the operating name of the employer, if different  
25 from its legal name;

26 (8) The physical address of the employer's main office or principal place of business, and  
27 its mailing address if different;

28 (9) The telephone number of the employer; and

29 (10) Shall be executed by the employee acknowledging the date of receipt.

30 (c) The employee has a right to inspect and copy, if upon request, their employment records  
31 referred to in subsections (a) and (b) of this section.

32 (d) The employer shall keep the records referred to in subsections (a) and (b) of this section  
33 on file for at least six (6) years after the entry of the record.

34 **28-14-20. Filing of claims.**

1 (a) All claims for wages may be filed with the director within three (3) years from the time  
2 of services rendered by an employee to his or her employer.

3 (b) An aggrieved person who alleges a violation of any provision of this chapter may bring  
4 a civil action for appropriate injunctive relief or actual damages or both within three (3) years after  
5 the occurrence of the alleged violation of this chapter.

6 (c) An action commenced pursuant to subsection (b) may be brought in the court for the  
7 county where the alleged violation occurred; the county where the complainant resides; or the  
8 county where the employer against whom the civil complaint is filed resides or has his, her or its  
9 principal place of business.

10 (d) As used in subsection (b), include two (2) times the wages owed to the employee for  
11 the first offense and for violations of § 28-14-12 actual damages shall mean one hundred dollars  
12 (\$100.00) for each separate offense not to exceed two thousand five hundred dollars (\$2,500.00).

13 (e) Attorney's fees, including litigation expenses, may be granted to a prevailing plaintiff.

14 **28-14-23. Assignment of wage claims to director — Prosecution of actions.**

15 The director shall have the power and authority to:

16 (1) Take assignments of wage claims and rights of action for penalties as provided by §§§  
17 28-14-12, 28-14-17 and 28-14-19 without being bound by any of the technical rules with reference  
18 to the validity of the assignments;

19 (2) Prosecute actions for the collection of the claims of persons who, in the judgment of  
20 the director, have claims which are valid and enforceable in the courts; and

21 (3) Join various claimants in one preferred claim or lien, and in case of suit to join them in  
22 one cause of action.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

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1           This act would require the employer, at the time of hiring, to furnish to their employees an  
2 itemized list of the terms and conditions of the employee's employment in English or the employee's  
3 primary language. It would mandate that the employer provide every employee, each payday, a pay  
4 stub, explaining exactly how their wages were calculated and the reason for each deduction from  
5 their gross wages. That act would impose actual damages equal to two (2) times the wages owed  
6 for the first offense and one hundred dollars (\$100.00) for each separate offense not to exceed two  
7 thousand five hundred dollars (\$2,500.00)

8           This act would take effect upon passage.

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